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OWEN DIAZ

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**PLAINTIFF'S DESIGNATION OF
DEPOSITION TESTIMONY OF ERIN
MARCONI**

Trial Date: September 24, 2021

Complaint filed: October 16, 2017

Plaintiff Owen Diaz hereby designates the following revised deposition transcript excerpts for Erin Marconi, Tesla Human Resources Business Partner, for presentation via video as part of his case in chief and submits these designations:

Marconi, Erin 10/21/19, Volume 1

| # | Lines | Deposition Excerpt |
|---|-------------|---|
| 1 | 13:17-13:24 | <p>17 What did you do after you left Volt as a</p> <p>18 program manager?</p> <p>19 A I went to Tesla as an HR business partner.</p> <p>20 Q So that would be approximately 2013?</p> <p>21 A Correct.</p> <p>22 Q How long were you an HR business partner at</p> <p>23 Tesla?</p> <p>24 A Until January 2017.</p> |
| 2 | 14:09-14:21 | <p>9 Q Okay. What were the job duties of an HR</p> <p>10 business partner in your role?</p> <p>11 A Strategic partner with the business management</p> <p>12 teams from work planning, succession planning. Time to</p> <p>13 time would help out if recruiting was needed, but that</p> <p>14 wasn't primary.</p> <p>15 A lot of HR generalist at the beginning. That</p> <p>16 went away as we grew. Employee relations,</p> <p>17 investigations, performance management. Employee</p> <p>18 engagement.</p> <p>19 Q It sounds like --</p> <p>20 A Probably about covers it. A little bit of</p> <p>21 everything.</p> |
| 3 | 15:03-15:05 | <p>3 Q Okay. So investigations were part of your job</p> <p>4 as an HR business partner; is that right?</p> <p>5 A Correct.</p> |
| 4 | 27:12-27:15 | <p>12 Q But the HR business partner team that you were</p> <p>13 part of was in charge of handling, among other things,</p> <p>14 complaints about discrimination or harassment; right?</p> <p>15 A Correct.</p> |
| 5 | 33:17-33:20 | <p>17 Q Okay. But it's fair to say that you at least</p> <p>18 understood what Tesla's policies were in terms of</p> <p>19 anti-discrimination and anti-harassment; right?</p> <p>20 A Correct.</p> |
| 6 | 35:02-35:07 | <p>2 Q So with that understanding of the definition</p> <p>3 of n- -- of the n-word, is it your understanding that</p> <p>4 Tesla's anti-harassment and anti-discrimination</p> <p>5 zero-tolerance policies prohibit use of the n-word at</p> <p>6 the Tesla facility?</p> <p>7 A Yes.</p> |
| 7 | 36:05-13 | <p>5 Q Okay. And if you had known about someone</p> <p>6 using the n-word at the Tesla factory, that would</p> <p>7 certainly be something that you would investigate;</p> <p>8 correct?</p> <p>9 A Absolutely.</p> <p>10 Q And the reason that you would investigate that</p> <p>11 is use of the n-word at the Tesla factory could create a</p> <p>12 hostile work environment for other workers; right?</p> |

| # | Lines | Deposition Excerpt |
|----|-------------|--|
| | | 13 A Correct. |
| 8 | 39:02-39:08 | <p>2 Q Was there ever any kind of meeting among HR</p> <p>3 professionals about, like, sensitivity training or how</p> <p>4 to address a situation where the n-word was being used</p> <p>5 in the workplace?</p> <p>6 A Specifically regarding the n-word?</p> <p>7 Q Yeah.</p> <p>8 A No.</p> |
| 9 | 42:21-43:05 | <p>21 Q Okay. But under Tesla's guidelines or</p> <p>22 policies for anti-harassment complaints, if a member of</p> <p>23 the leadership team, supervisor, manager, director,</p> <p>24 received a complaint of harassment, they were to at</p> <p>25 least inform HR that they had received such a complaint;</p> <p style="text-align: center;">42</p> <p>1 is that true?</p> <p>2 A Yes.</p> <p>3 Q And that was true throughout the time that you</p> <p>4 worked at Tesla; right?</p> <p>5 A Yes.</p> |
| 10 | 49:07-23 | <p>7 Q In fact, every -- every employer has a duty to</p> <p>8 make sure that its workers are working in an environment</p> <p>9 that is harassment-free; right?</p> <p>10 A Correct.</p> <p>11 Q And that would include harassment based on sex</p> <p>12 or race or any of those other prohibited categories;</p> <p>13 right?</p> <p>14 A Yes.</p> <p>15 Q Similarly, every employer is -- has a duty to</p> <p>16 make sure that once it knows about harassment, that it</p> <p>17 takes some sort of corrective action to make sure that</p> <p>18 the harassment doesn't continue; right?</p> <p>19 A Yes.</p> <p>20 Q And in California, every employer must take</p> <p>21 all reasonable steps necessary to prevent discrimination</p> <p>22 and harassment from occurring; right?</p> <p>23 A Yes.</p> |
| 11 | 51:02-12 | <p>2 Q You would agree that it's never okay to use</p> <p>3 the n-word in the workplace?</p> <p>4 A Correct.</p> <p>5 Q And you'd also agree that it's never okay to</p> <p>6 make offensive drawings that could be racial in nature;</p> <p>7 right?</p> <p>8 A Correct.</p> <p>9 Q You'd agree that every employer has a duty to</p> <p>10 provide a workplace where employees are not using the</p> |

| # | Lines | Deposition Excerpt |
|----|--------|---|
| | | 11 n-word towards other employees? |
| | | 12 A Yes. |
| 12 | 51:23- | 23 If -- if a Tesla worker complains about |
| 4 | 52:10 | 24 harassment to their supervisor, that meets their at |
| 5 | | 25 least initial burden under Tesla's policies for |
| 6 | | 51 |
| 7 | | 1 reporting harassment; right? |
| 8 | | 2 A Yes. |
| 9 | | 3 Q And under Tesla policies, supervisors are |
| 10 | | 4 supposed to report issues relating to harassment to |
| 11 | | 5 their managers and to HR? |
| 12 | | 6 A Yes. |
| 13 | | 7 Q Similarly, if an employee wanted to report an |
| 14 | | 8 issue of harassment to a manager, that would satisfy |
| 15 | | 9 Tesla's reporting requirements; right? |
| 16 | | 10 A Yes. |
| 17 | 13 | 23 Q And in terms of the standards, the |
| 18 | 56:04 | 24 anti-discrimination, anti-harassment policy standards |
| 19 | | 25 that applied to workers at the Tesla factory, those |
| 20 | | 55 |
| 21 | | 1 standards applied to both regular full-time Tesla |
| 22 | | 2 employees and to the temporary workers who were working |
| 23 | | 3 at the plant; right? |
| 24 | | 4 A Yes. |
| 25 | 14 | 22 Q A temporary worker would be doing a task that |
| 26 | 57:04 | 23 a Tesla employee might also do; is that true? |
| 27 | | 24 A Yes. |
| 28 | | 25 Q And a temporary worker could also -- would at |
| 29 | | 56 |
| 30 | | 1 least have some -- there would be at least some |
| 31 | | 2 reporting structure to a Tesla employee, is that right, |
| 32 | | 3 for a temporary worker? |
| 33 | | 4 A Correct. |
| 34 | 15 | 10 Q Okay. And if someone does complain about what |
| 35 | | 11 they consider to be inappropriate conduct, and they feel |
| 36 | | 12 threatened, you would agree that as a Tesla HR person, |
| 37 | | 13 you would still have a responsibility to make sure that |
| 38 | | 14 nothing happened to them further; right? |
| 39 | | 15 A Oh, absolutely. |

| # | Lines | Deposition Excerpt |
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| 16 | 59:22-60:10 | <p>22 Q In terms of Tesla's duty, though, to all of</p> <p>23 its employees, it has a -- it has a duty to both its</p> <p>24 regular employees and the contractors to make sure that</p> <p>25 all of those people work in a work environment free from</p> <p style="text-align: center;">59</p> <p>1 harassment or discrimination based on race; right?</p> <p>2 A Correct.</p> <p>3 Q And so if -- if Tesla HR became aware of a</p> <p>4 problem, let's say use of the n-word or use of racial</p> <p>5 drawings, Tesla would still have to make sure that that</p> <p>6 conduct stopped; right?</p> <p>7 A Assuming that an investigation found that that</p> <p>8 conduct did happen?</p> <p>9 Q Right.</p> <p>10 A Then yes.</p> |
| 17 | 61:10-14 | <p>10 Q And if someone is complaining about conduct,</p> <p>11 do they have to complain in writing or can they also</p> <p>12 complain verbally about inappropriate conduct in the</p> <p>13 workplace at Tesla?</p> <p>14 A Either.</p> |
| 18 | 62:9-13 | <p>9 Q And, similarly, if a person doesn't use</p> <p>10 "discrimination" or "harassment" in their complaint,</p> <p>11 they can still be complaining about what's</p> <p>12 discrimination or harassment; right?</p> <p>13 A Correct.</p> |
| 19 | 64:24-65:04 | <p>24 Q Tesla had video cameras throughout the</p> <p>25 facility; is that true?</p> <p style="text-align: center;">64</p> <p>1 A Correct.</p> <p>2 Q And if there was an altercation, would you</p> <p>3 like to see if there was video footage of the incident?</p> <p>4 A Absolutely.</p> |
| 20 | 67:08-67:13 | <p>8 There were numerous situations where Tesla</p> <p>9 employees were supervising temporary workers who were</p> <p>10 employed by contractors; right?</p> <p>11 A Who were -- like a West Valley?</p> <p>12 Q Yeah.</p> <p>13 A Yes.</p> |
| 21 | 69:03-69:11 | <p>3 Q Okay. But based on the contract that you knew</p> <p>4 about that Volt had with Tesla, it was understood that</p> <p>5 the Volt temporary workers would be subject to Tesla's</p> <p>6 policies for working at that facility; right?</p> <p>7 MS. KENNEDY: Objection. Vague as to</p> <p>8 "understood."</p> |

| # | Lines | Deposition Excerpt |
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| | | <p>9 You may respond.</p> <p>10 THE WITNESS: Yes, as well as their</p> <p>11 employer's.</p> |
| 22 | 69:22-70:04 | <p>22 Temporary workers who were working through a</p> <p>23 staffing agency at a Tesla facility had to follow the</p> <p>24 rules and regulations of the staffing agency and of</p> <p>25 Tesla?</p> <p style="text-align: center;">69</p> <p>1 A Yes.</p> <p>2 Q And that was true throughout the time that you</p> <p>3 worked at Tesla; right?</p> <p>4 A Yes.</p> |
| 23 | 72:19-73:19 | <p>19 A Yes.</p> <p>20 Q Does this remind you of this situation where</p> <p>21 Mr. Dennis alleged that he had been called the n-word by</p> <p>22 Javier Temores?</p> <p>23 Oh, no. I'm sorry. It's just the opposite.</p> <p>24 Troy Dennis apparently called Javier the</p> <p>25 n-word; is that right? Yeah. Do you see that?</p> <p style="text-align: center;">72</p> <p>1 A Yes.</p> <p>2 Q Okay. So you would have received this because</p> <p>3 you're copied on the email; right?</p> <p>4 A If I was in then.</p> <p>5 Q Okay. And do you remember if -- do you</p> <p>6 remember what happened as a result of this issue?</p> <p>7 A I do not.</p> <p>8 Q If you look at the top email, Mr. Romero, Ed</p> <p>9 Romero, indicates that he is -- he's going to do an</p> <p>10 investigation into those incidents. Do you see that?</p> <p>11 A I -- yes.</p> <p>12 Q Do you remember whether or not you received</p> <p>13 any information about an investigation by Ed Romero into</p> <p>14 the allegation by Javier that Troy Dennis called him the</p> <p>15 n-word?</p> <p>16 A I don't specifically recall it. And since the</p> <p>17 names don't -- I -- my first question would be if they</p> <p>18 are Tesla employees, or if they are nextSource employees</p> <p>19 since he's sending it to Wayne.</p> |
| 24 | 73:20-74:08 | <p>20 Q Okay. Wayne Jackson was one of the nextSource</p> <p>21 representatives working at -- working for nextSource at</p> <p>22 the plant; is that right?</p> <p>23 A I am not completely sure. I don't recall ever</p> <p>24 meeting him face to face. NextSource wasn't set up the</p> |

| # | Lines | Deposition Excerpt |
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| | | <p>25 way that temporary workers were.</p> <p style="text-align: center;">73</p> <p>1 Q NextSource was actually more of a conduit for 2 other staffing agencies, wasn't it? 3 A My understanding is they were brought on 4 statement of work project or on a PO, but I don't 5 have -- can't confirm that. 6 Q Okay. Do you recall what the statement of 7 work was about? 8 A I do not.</p> |
| <p>9 25</p> <p>10 74:16-</p> <p>11 76:23</p> | | <p>16 Q Exhibit 188 is a three-page document 17 Bates-stamped Tesla 916 to 918, and it has some emails 18 from an Arturo Esquer. Do you know who that was? 19 A Yes. 20 Q Who was Arturo Esquer? 21 A At that time I believe he was either a senior 22 manager or a director of general assembly. 23 Q And then it's also copied to Charles Shin. 24 Well, it was sent to you; right? Do you 25 remember receiving this?</p> <p style="text-align: center;">74</p> <p>1 A Yes. 2 Q Okay. And Charles Shin, what was his job? 3 A Manager in assembly, if my memory is correct. 4 Q Okay. 5 A Or senior manager. I don't know his title 6 exactly. 7 Q And then it's got Josh Hedges. He was in HR, 8 wasn't he? As a cc, up at the top there? 9 A Yes. 10 Q What was Josh's role in HR at that time? 11 A I don't know his title. He was either 12 directly or one step away from all of the manufacturing 13 HR business partners. 14 Q Okay. 15 A I believe by then it had kind of gone into 16 groups. 17 Q Okay. 18 And then it's got an Al Franco. He was an 19 assistant manager at that time; is that right? 20 A I believe so. 21 Q There's an email, if you look at April 29th of 22 2016, that says:</p> |

| # | Lines | Deposition Excerpt |
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| 1 | | 23 "Do an investigation, please," |
| 2 | | 24 to Al or Jose. So who's Jose? |
| 3 | | 25 A He would have probably at that time been the |
| 4 | | 75 |
| 5 | | 1 counterpart to Al. |
| 6 | | 2 Q I see. |
| 7 | | 3 A One probably had days, and one was nights. |
| 8 | | 4 Q Okay. And this involved an incident where |
| 9 | | 5 someone had put on an instrument panel the phrase "Fuck |
| 10 | | 6 nigga"; correct? If you look at the third page. |
| 11 | | 7 A Correct. |
| 12 | | 8 Q And do you remember what happened as a result |
| 13 | | 9 of this investigation? |
| 14 | | 10 A I do not because I don't believe I was the one |
| 15 | | 11 that ended up actually investigating or I would |
| 16 | | 12 remember. |
| 17 | | 13 Q Do you recall who ended up investigating |
| 18 | | 14 this -- the fn-word? |
| 19 | | 15 A I do not. |
| 20 | | 16 Q Okay. This would have been a serious |
| 21 | | 17 allegation, though; correct? |
| 22 | | 18 A Oh, absolutely. |
| 23 | | 19 Q I mean, you had -- and this is a situation |
| 24 | | 20 where you had direct proof that there's a racial term |
| 25 | | 21 used; right? |
| 26 | | 22 A Correct. |
| 27 | | 23 Q So -- okay. |
| 28 | 26 80:21- 82:3 | 21 Q Okay. Tell me about that. What was the 22 situation in which you did some sensitivity training for 23 a group relative -- was it relative to the n-word or was 24 it -- 25 A No. |
| | | 80 |
| | | 1 Q Okay. What was the -- tell me about the 2 situation where you did sensitivity training for a 3 group. 4 A It was an offensive drawing that we were 5 unable to determine who did the drawing. And I say 6 "offensive"; it was a sexual drawing that clearly 7 offended folks. 8 That department was, I believe, over 500 9 people. So we brought everyone together each shift, 10 went over how that was not okay; if we ever could find |

| # | Lines | Deposition Excerpt |
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| | | <p>11 out who it was, it wouldn't be tolerated.</p> <p>12 An investigation couldn't pinpoint who it was</p> <p>13 because there wasn't a camera in that particular area,</p> <p>14 we addressed the whole entire team, and then did</p> <p>15 sensitivity training that covered pretty much</p> <p>16 everything.</p> <p>17 And even if I tell you a joke about the sky</p> <p>18 being blue and you think it's funny today and you don't</p> <p>19 tomorrow, then I can't tell you that joke anymore.</p> <p>20 Q Do you remember what department it was in?</p> <p>21 A I think it was stamping.</p> <p>22 Q Okay. In terms of the drawing -- I don't mean</p> <p>23 to offend you or anything, but can you describe the</p> <p>24 sexual drawing that you ended up having to do</p> <p>25 sensitivity training for.</p> <p style="text-align: center;">81</p> <p>1 A If I recall correctly, somebody put boobs on</p> <p>2 like -- you know the male/female symbols on bathrooms?</p> <p>3 Somebody drew boobs.</p> |
| 27 | 84:17- 85:09 | <p>17 That sensitivity training came out of the fact</p> <p>18 that there were these -- there was a visual harassment</p> <p>19 in this -- the boobs on the bathroom door.</p> <p>20 Is that what caused the training to come</p> <p>21 about?</p> <p>22 A Yes. Someone was offended by the boobs drawn.</p> <p>23 Q Okay. And how was the decision made as a</p> <p>24 result of that to do a sensitivity training? Why was</p> <p>25 that the outcome?</p> <p style="text-align: center;">84</p> <p>1 A We wanted to make sure that everyone</p> <p>2 understood what the expectation was, and if it makes</p> <p>3 someone uncomfortable, it's not okay.</p> <p>4 Q Right. Okay.</p> <p>5 And do you recall any other sensitivity</p> <p>6 trainings that were done relative to either race or sex</p> <p>7 issues that you were involved in?</p> <p>8 A Not that I recall. I mean, other than your</p> <p>9 regular annual required of supervisor and above.</p> |
| 28 | 85:21- 87:04 | <p>21 Q Okay. Now, I'm going to show you what has</p> <p>22 been previously marked as Exhibit 37. And just so the</p> <p>23 record is clear, Exhibit 37 is a three-page document</p> <p>24 Bates-stamped Tesla 35 through 37, and it's a complaint</p> <p>25 by Owen Diaz about a racist drawing, or what he</p> |

| # | Lines | Deposition Excerpt |
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| | | <p style="text-align: center;">85</p> <p>1 considered to be a racist drawing.</p> <p>2 And I'm wondering if you recall seeing this</p> <p>3 email, or the picture that's attached.</p> <p>4 A I don't recall seeing the picture, and I don't</p> <p>5 specifically recall seeing it, given the time. It very</p> <p>6 well could have been something that I was -- "Here's a</p> <p>7 heads-up" kind of thing, and I just don't recall.</p> <p>8 Q Okay. Okay.</p> <p>9 Based on your -- you just read the complaint</p> <p>10 by Mr. Diaz from January 22nd, 2016. Based on that</p> <p>11 complaint and in your experience as a professional HR</p> <p>12 person, would that be sufficient to trigger an</p> <p>13 investigation, in your mind, his complaint along with</p> <p>14 the pictures?</p> <p>15 A Yes.</p> <p>16 Q And would -- as a trained investigator, given</p> <p>17 this written information and the confirming picture,</p> <p>18 would you expect there to be an investigation as a</p> <p>19 result of that?</p> <p>20 A Yes.</p> <p>21 Q If you were conducting the investigation,</p> <p>22 would you interview the people that are identified in</p> <p>23 Mr. Diaz's email?</p> <p>24 A Depending on if they were Tesla employees or</p> <p>25 employees of another company, either I would if they</p> <p style="text-align: center;">86</p> <p>1 were Tesla employees, or I would ask that the primary</p> <p>2 employer, for lack of a better way to put it, did. And</p> <p>3 if it was a combination, work together if at all</p> <p>4 possible.</p> |
| 29 | 88:20-89:07 | <p>20 So if Michael Wheeler and the Israel -- the</p> <p>21 guy whose name is Israel in this were both Tesla</p> <p>22 employees, those interviews you would expect would be</p> <p>23 done by Tesla HR, and then the interviews -- assuming</p> <p>24 that Ramon Martinez and Owen Diaz are temporary</p> <p>25 employees working through a staffing agency, you would</p> <p style="text-align: center;">88</p> <p>1 expect that Owen and Ramon would be interviewed by their</p> <p>2 respective contracting agencies; correct?</p> <p>3 A Correct.</p> |

| # | Lines | Deposition Excerpt |
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| | | <p>4 I have had occasion to that whoever was on 5 site for, say, West Valley wasn't well versed or 6 comfortable. So if that kind of situation came up, I 7 would assist, but would make sure that they were there.</p> |
| 30 | 97:12- 98:05 | <p>12 Q If you look at Mr. Diaz's statement on Tesla 13 22, which is the third page of Exhibit 128, and you look 14 down at the bottom of what his statement is, he says 15 that: 16 "As a supervisor or leads, we are held to 17 a higher standard because the people we 18 supervise look to us as examples." 19 Is that -- is that a true statement for people 20 who were acting as leads or supervisors at Tesla, that 21 they were examples for other employees? 22 A Absolutely for Tesla employees. 23 Q Okay. And if a supervisor -- 24 A I'm not aware of anybody that was working as a 25 lead or a supervisor that wasn't a Tesla employee.</p> <p style="text-align: center;">97</p> <p>1 Q Okay. But regardless, even if someone was a 2 temporary worker through a staffing agency, if they were 3 working in a lead position, they would need to adhere to 4 Tesla policies; right? 5 A I believe so.</p> |
| 31 | 99:22- 100:20 | <p>22 You understand that this drawing that's on the 23 fourth page of Exhibit 128, that that drawing is a 24 drawing that could be offensive to African Americans? 25 A Yes.</p> <p style="text-align: center;">99</p> <p>1 Q Right? 2 A Yes. 3 Q And it's a caricature that historically was 4 used -- it's been called a "pickaninny." Have you heard 5 that expression before? 6 A Yes. 7 Q And it was historically -- this drawing with 8 the bone in the hair was historically a way to put down 9 African Americans; right? 10 A That's my understanding. 11 Q So if you had understood that Mr. Martinez had 12 admitted to putting this poster -- to putting this 13 drawing up, and also to have threatened Mr. Diaz 14 previously, you would expect that Mr. Martinez would be</p> |

| # | Lines | Deposition Excerpt |
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| | | <p>15 fired pursuant to Tesla policy, wouldn't you?</p> <p>16 A Assuming all of that is true --</p> <p>17 Q Yeah.</p> <p>18 A -- I wouldn't presume what nextSource does,</p> <p>19 but I would ask them not to have him return to an</p> <p>20 assignment at Tesla.</p> |
| 32 | 100:22- 101:07 | <p>22 Now, if you go on to Mr. Diaz's statement:</p> <p>23 ..."and because nothing has been done, it</p> <p>24 seems that his behavior is getting worse."</p> <p>25 That would be a concern to you as a Tesla</p> <p style="text-align: center;">100</p> <p>1 investigator, wouldn't it, if conduct is getting worse?</p> <p>2 A Absolutely.</p> <p>3 Q Where Mr. Diaz then says:</p> <p>4 "As an employee, I'm entitled to a safe</p> <p>5 and harassment-free work environment,"</p> <p>6 that's true; right?</p> <p>7 A Yes.</p> |
| 33 | 104:15- 19 | <p>15 Q Okay. Now, certainly if Ramon Martinez were</p> <p>16 yelling at him and threatening him, that would violate</p> <p>17 Tesla's policies; right? -- at least the threatening</p> <p>18 part?</p> <p>19 A Yes. Assuming it's Ramon Martinez.</p> |
| 34 | 107:23- 108:02 | <p>23 Q Okay. So in general, you had -- sometimes you</p> <p>24 had to push nextSource to get you the information you</p> <p>25 needed so that you could evaluate --</p> <p style="text-align: center;">107</p> <p>1 A And go about things the way that we had asked</p> <p>2 them to go about them.</p> |
| 35 | 108:4- 109:12 | <p>4 Exhibit 35 for the record is a three-page</p> <p>5 document Bates-stamped Tesla 140 to 142. And it appears</p> <p>6 that at least in this situation with respect to Ramon</p> <p>7 Martinez and Owen Diaz, that eventually at least it got</p> <p>8 forwarded to you.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q And so at least at some point you did get</p> <p>12 Mr. Diaz's statement about his -- the threat that he</p> <p>13 perceived from Ramon Martinez; correct?</p> <p>14 A Owen's statement?</p> <p>15 Q Yeah.</p> <p>16 A Assuming this whole thread was actually</p> |

| # | Lines | Deposition Excerpt |
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| 1 | | 17 forwarded at the time? |
| 2 | | 18 Q Yeah. |
| 3 | | 19 A Yes. If it was, I can't say for sure. |
| 4 | | 20 Q Okay. But based on the email chain, I mean, |
| 5 | | 21 it looks like it was forwarded to you. Do you see that? |
| 6 | | 22 A Correct. |
| 7 | | 23 Q Okay. |
| 8 | | 24 A Several days later; right? Yeah. |
| 9 | | 25 Q Yeah. |
| 10 | | 108 |
| 11 | | 1 The complaint was made on the 17th, and then |
| 12 | | 2 forwarded again on the 20th to Wayne Jackson, and then |
| 13 | | 3 it looks like Wayne Jackson forwarded it to you on that |
| 14 | | 4 same day, on the 20th. |
| 15 | | 5 A Terri. |
| 16 | | 6 Q I'm sorry. Terri. |
| 17 | | 7 A Yeah. |
| 18 | | 8 Q Terri forwarded it to you that same day, |
| 19 | | 9 October 20th of 2015; right? |
| 20 | | 10 A Yes. And based on that, it would appear that |
| 21 | | 11 it was all nextSource employees involved, other than |
| 22 | | 12 Victor and Ed. |
| 23 | 36 116:22-25 | 22 Q And the correct response to threatening |
| 24 | | 23 conduct is to remove that individual from the factory; |
| 25 | | 24 right? |
| 26 | | 25 A Correct. |
| 27 | 37 119:23-120:04 | 23 Q Okay. But if an allegation of racist -- of a |
| 28 | | 24 racial term, particularly if it's the n-word, is |
| | | 25 confirmed, that's the kind of information that |
| | | 119 |
| | | 1 supervisors and managers such as Ed Romero and Victor |
| | | 2 Quintero were trained to at least forward to HR; |
| | | 3 correct? |
| | | 4 A Yes. |
| | 38 123:09-123:18 | 9 Q But any worker who is subject -- who is |
| | | 10 working in the Tesla factory is subject to Tesla |
| | | 11 policies; correct? |
| | | 12 A Yes. |
| | | 13 Q And -- and any worker who is being harassed or |
| | | 14 discriminated against, regardless of who they work for, |
| | | 15 if -- if the harassment or discrimination occurs in the |
| | | 16 Tesla factory, Tesla has a responsibility to do |
| | | 17 something about it if it knows about it; right? |

| # | Lines | Deposition Excerpt |
|----|---------------|--|
| | | 18 A Yes. |
| 39 | 133:16-23 | 16 Q I do understand that. I'm wondering, 17 though -- we've looked at some documents which showed 18 numerous complaints about the n-word, several complaints 19 about the n-word, and I'm wondering if there was any 20 kind of discussion in human resources that there was a 21 need to address the use of that word in particular in 22 the workplace. 23 A Not that I recall. |
| 40 | 134:20-135:03 | 20 Q And if there had been such an investigation by 21 anybody at Tesla, there should have been at least some 22 kind of written record of that; right? 23 A Yes. 24 Q Because that's what Tesla policy requires is 25 documentation of any kind of investigation that's done; |
| | | 134 |
| | | 1 right? |
| | | 2 A Yes. Mine, for the most part, were 3 handwritten. |

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